

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

BARBARA BLAND,

Plaintiff,

v.

Case No. 2:22-cv-00102-LGW-
BWC

SUN MOON ENTERPRISES, INC.,
RAJESHREE PATEL, and PRANAB
CHAKRABODY,

Defendants.

**DEFENDANTS' ANSWER AND AFFIRMATIVE DEFENSES TO
PLAINTIFF'S COMPLAINT**

Defendants, Sun Moon Enterprises, Inc., Rajeshree Patel, and Pranab Chakraborty, incorrectly identified as Pranab Chakraborty, ("Defendants"), through undersigned counsel and pursuant to Federal Rules of Civil Procedure 8 and 12, answer the Complaint (Doc. 1) filed by Plaintiff, Barbara Bland ("Plaintiff"), and assert defenses and affirmative defenses as follows:

I. INTRODUCTION

1. Defendants admit that this is an action against Defendants in which Plaintiff is seeking to obtain relief and to redress the alleged unlawful practices

described in the Complaint, but denies any wrongdoing as alleged in Paragraph 1 of the Complaint.

2. Defendants admit that Plaintiff purports to bring a claim to recover unpaid compensation but deny the remaining allegations of Paragraph 2 of the Complaint, including that Plaintiff was employed with Defendants.
3. Defendants deny the allegations of Paragraph 3 of the Complaint.
4. Defendants deny the allegations of Paragraph 4 of the Complaint.
5. Defendants deny the allegations of Paragraph 5 of the Complaint.
6. Defendants admit that Plaintiff seeks compensation but deny that Plaintiff is entitled to any compensation as alleged in Paragraph 6 of the Complaint.

II. JURISDICTION AND VENUE

7. Defendants admit that jurisdiction is appropriate in this Court, but otherwise deny the allegations of Paragraph 7 of the Complaint.
8. Defendants admit that venue is appropriate in this Court, but otherwise deny the allegations of Paragraph 8 of the Complaint.

III. PARTIES

9. Defendants deny the allegations of Paragraph 9 of the Complaint.
10. Defendants deny the allegations of Paragraph 10 of the Complaint.
11. Defendants admit the allegations of Paragraph 11 of the Complaint.

12. Defendants admit the allegations of Paragraph 12 of the Complaint.
13. Defendants admit the allegations of Paragraph 13 of the Complaint.
14. Defendants admit the allegations of Paragraph 14 of the Complaint.
15. Defendants deny the allegations of Paragraph 15 of the Complaint.
16. Paragraph 16 sets forth a legal conclusion for which Defendants cannot admit or deny. To the extent a response is required, Plaintiff denies the allegations of Paragraph 16 of the Complaint.
17. Defendants deny the allegations of Paragraph 17 of the Complaint.
18. Defendants deny the allegations of Paragraph 18 of the Complaint.

IV. VIOLATIONS OF THE FLSA
COUNT 1- Violations of the minimum wage provisions of the FLSA

19. Defendants deny the allegations of Paragraph 19 of the Complaint.
20. Defendants deny the allegations of Paragraph 20 of the Complaint.
21. Defendants deny the allegations of Paragraph 21 of the Complaint.
22. Defendants deny the allegations of Paragraph 22 of the Complaint.
23. Defendants deny the allegations of Paragraph 23 of the Complaint.
24. Defendants admit that Plaintiff is seeking compensation but deny that she is entitled to compensation as alleged in Paragraph 24 of the Complaint.

COUNT 2- Violations of the anti-retaliation provisions of the FLSA

25. Defendants deny the allegations of Paragraph 25 of the Complaint.

V. PRAYER FOR RELIEF

In response to WHEREFORE Paragraph of the Complaint, including subsections (A)-(E), Defendants deny all factual allegations and deny that Plaintiff is entitled to any relief in this action.

GENERAL DENIAL

All allegations in the Complaint not expressly admitted are denied.

FIRST DEFENSE

Plaintiff has failed to state a claim upon which relief can be granted.

SECOND DEFENSE

Plaintiff's claims are barred because Plaintiff was not an employee of Defendants.

THIRD DEFENSE

If any of the unlawful acts and omissions alleged in the Complaint were engaged in by Defendants, which Defendants vigorously deny, they did not engage in such acts or omissions knowingly, intentionally or willfully, and therefore, Plaintiff's claims for liquidated damages are barred.

FOURTH DEFENSE

Plaintiff's claims are barred to the extent she seeks payment of wages she is not owed.

FIFTH DEFENSE

Plaintiff's claims against Defendant Pranab Chakraborty, incorrectly identified as Pranab Chakrody, are barred because Chakraborty is not an employer under the FLSA.

SIXTH DEFENSE

Defendants cannot fully anticipate all defenses which may be applicable to this action. Accordingly, the right to assert additional defenses, to the extent such defenses are applicable, is hereby reserved.

Dated this 23rd day of November, 2022.

Respectfully submitted,
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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of November 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ Ian Smith
Attorney